



General Assembly

Substitute Bill No. 357

February Session, 2008

* _____SB00357PD_____041508_____*

**AN ACT CONCERNING THE EXPANSION OF THE BEVERAGE
CONTAINER REDEMPTION PROVISIONS TO INCLUDE
NONCARBONATED BEVERAGES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-243 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 For purposes of sections 22a-243 to 22a-245, inclusive, as amended
4 by this act, unless the context clearly indicates otherwise:

5 (1) ["Beverage"] "Carbonated beverage" means beer or other malt
6 beverages, [and mineral waters,] soda water and similar carbonated
7 soft drinks in liquid form and intended for human consumption;

8 (2) "Noncarbonated beverage" means water and any other
9 noncarbonated, nonalcoholic, nondairy drinks in liquid form intended
10 for human consumption, excluding liquid that is (A) a syrup, (B) in
11 concentrated form, (C) a minor flavoring ingredient for food or drink,
12 such as extracts, cooking additives, sauces or condiments but
13 excluding juice, (D) a seafood, meat or vegetable broth or soup, or (E) a
14 soy milk or rice milk;

15 [(2)] (3) "Beverage container" means the individual, separate, sealed
16 glass, [metal] aluminum or polyethylene terephthalate plastic bottle,
17 can, jar or carton (A) two liters or less in size if containing a carbonated

18 beverage, and (B) twenty ounces or less in size if containing a
19 noncarbonated beverage;

20 [(3)] (4) "Consumer" means every person who purchases a beverage
21 in a beverage container for use or consumption;

22 [(4)] (5) "Dealer" means every person who engages in the sale of
23 beverages in beverage containers to a consumer;

24 [(5)] (6) "Distributor" means every person who engages in the sale of
25 beverages in beverage containers to a dealer in this state including any
26 manufacturer who engages in such sale and includes a dealer who
27 engages in the sale of beverages in beverage containers on which no
28 deposit has been collected prior to retail sale or where the deposit has
29 not been initiated by the manufacturer;

30 [(6)] (7) "Manufacturer" means every person bottling, canning or
31 otherwise filling beverage containers for sale to distributors or dealers
32 or, in the case of private label brands, the owner of the private label
33 trademark, except that "manufacturer" does not include any person
34 who bottles and sells two hundred fifty thousand or fewer beverage
35 containers of water each calendar year where such containers are
36 twenty ounces or less in size;

37 [(7)] (8) "Place of business of a dealer" means the fixed location at
38 which a dealer sells or offers for sale beverages in beverage containers
39 to consumers;

40 [(8)] (9) "Redemption center" means any facility established to
41 redeem empty beverage containers from consumers or to collect and
42 sort empty beverage containers from dealers and to prepare such
43 containers for redemption by the appropriate distributors;

44 (10) "Restaurant" means a business that has the sole purpose of
45 preparing and selling food and beverages intended for individual
46 portion service and includes the site at which individual portions are
47 sold, regardless of whether the consumption of food or beverage

48 occurs on or off of such site;

49 [(9)] (11) "Use or consumption" includes the exercise of any right or
50 power over a beverage incident to the ownership thereof, other than
51 the sale or the keeping or retention of a beverage for the purposes of
52 sale;

53 [(10)] (12) "Nonrefillable beverage container" means a beverage
54 container which is not designed to be refilled and reused in its original
55 shape;

56 (13) "Reverse vending machine" means an automated device that
57 accepts beverage containers from redeemers and issues scrip for any
58 beverage container refund value by using a laser scanner,
59 microprocessor or other technology to recognize the Universal Product
60 Code (UPC) or other accepted industry barcode on beverage
61 containers to determine whether the container is redeemable, and that
62 accumulates information regarding containers redeemed; and

63 (14) "Off-site redemption center" means a redemption center that is
64 located within a one-mile radius of a dealer, and that accepts beverage
65 containers of the kind, size and brand sold by such dealer at the
66 dealer's place of business.

67 Sec. 2. Section 22a-245 of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective October 1, 2008*):

69 (a) No person shall establish a redemption center without
70 registering with the commissioner on a form provided by the
71 commissioner with such information as the commissioner deems
72 necessary including (1) the name of the business principals of the
73 redemption center and the address of the business; (2) the name and
74 address of the sponsors and dealers to be served by the redemption
75 center; (3) the types of beverage containers to be accepted; (4) the hours
76 of operation; and (5) whether beverage containers will be accepted
77 from consumers. The operator of the redemption center shall report
78 any change in procedure to the commissioner within forty-eight hours

79 of such change. Any person establishing a redemption center shall
80 have the right to determine what kind, size and brand of beverage
81 container shall be accepted. Any redemption center may be established
82 to serve all persons or to serve certain specified dealers.

83 (b) A dealer shall not refuse to accept at such dealer's place of
84 business, from any person any empty beverage containers of the kind,
85 size and brand sold by the dealer, or refuse to pay to such person the
86 refund value of a beverage container as established by subsection (a) of
87 section 22a-244 unless (1) such container contains materials which are
88 foreign to the normal contents of the container; [or unless] (2) such
89 container is not labeled in accordance with subsection (b) of section
90 22a-244; [or unless] (3) such dealer sponsors, solely or with others, a
91 redemption center which is located within a one-mile radius of such
92 place of business and which accepts beverage containers of the kind,
93 size and brand sold by such dealer at such place of business; or
94 [unless] (4) there is established by others, a redemption center which is
95 located within a one-mile radius of such place of business and which
96 accepts beverage containers of the kind, size and brand sold by such
97 dealer at such place of business. A dealer that is a restaurant shall not
98 be required to redeem any beverage container, the contents of which
99 were not consumed on the premises of such restaurant. A dealer who
100 sponsors an off-site redemption center shall post in a conspicuous
101 location within ten feet of the entrances and exits of such dealer's place
102 of business a notice stating the name, location, hours of operation and
103 telephone number of the off-site redemption center. A dealer shall
104 redeem an empty container of a kind, size or brand the sale of which
105 has been discontinued by such dealer for not less than sixty days after
106 the last sale by the dealer of such kind, size or brand of beverage
107 container. Sixty days before such date, the dealer shall post, at the
108 point of sale, notice of the last date on which the discontinued kind,
109 size or brand of beverage container shall be redeemed.

110 (c) Any dealer operating a place of business of not less than seventy-
111 five thousand square feet in size shall certify to the Department of
112 Environmental Protection that its beverage container redemption

113 capacity equals or exceeds seventy per cent of its sales capacity of
114 redeemable beverage containers. On or after October 1, 2008, any
115 dealer that establishes or significantly expands its place of business or
116 redemption center, excluding an off-site redemption center, shall locate
117 such redemption center not more than two hundred feet from the
118 business' main entrance. Any dealer with a redemption center other
119 than an off-site redemption center established prior to October 1, 2008,
120 where such redemption facility is located more than two hundred feet
121 from the business' main entrance shall post notices stating the location
122 of such redemption center not more than ten feet from the business'
123 entrances and exits.

124 ~~[(c)]~~ (d) A distributor shall not refuse to accept from a dealer or from
125 an operator of a redemption center, located and operated exclusively
126 within the territory of the distributor or whose operator certifies to the
127 distributor that redeemed containers were from a dealer located within
128 such territory, any empty beverage containers of the kind, size and
129 brand sold by the distributor, or refuse to pay to such dealer or
130 redemption center operator the refund value of a beverage container as
131 established by subsection (a) of section 22a-244 unless such container
132 contains materials which are foreign to the normal contents of the
133 container or unless such container is not labeled in accordance with
134 subsection (b) of section 22a-244. A distributor shall remove any empty
135 beverage container from the premises of a dealer serviced by the
136 distributor or from the premises of a redemption center sponsored by
137 dealers serviced by the distributor, provided such premises are located
138 within the territory of the distributor. The distributor or manufacturer
139 shall pay the refund value to dealers in accordance with the schedule
140 for payment by the dealer to the distributor for full beverage
141 containers and shall pay such refund value to operators of redemption
142 centers not more than twenty days after receipt of the empty container
143 unless such refund value has already been paid by the manufacturer.
144 For the purposes of this subsection, a redemption center shall be
145 considered to be sponsored by a dealer if (1) the dealer refuses to
146 redeem beverage containers and refers consumers to the redemption

147 center, or (2) there is an agreement between the dealer and the
148 operator of the redemption center requiring the redemption center to
149 remove empty beverage containers from the premises of the dealer. A
150 distributor shall redeem an empty container of a kind, size or brand of
151 beverage container the sale of which has been discontinued by the
152 distributor for not less than one hundred fifty days after the last
153 delivery of such kind, size or brand of beverage container. Not less
154 than one hundred twenty days before the last date such containers
155 may be redeemed, the distributor shall notify such dealer who bought
156 the discontinued kind, size or brand of beverage container that such
157 distributor shall not redeem an empty beverage container of such kind,
158 size or brand of beverage containers.

159 (e) A redemption center or dealer that uses reverse vending
160 machines to redeem beverage containers shall use only a reverse
161 vending accounting system that has been subjected to an agreed upon
162 procedures review by an independent certified public accountant
163 during the preceding twelve months.

164 ~~[(d)]~~ (f) In addition to the refund value of a beverage container as
165 provided in subsection (a) of section 22a-244, a distributor shall pay to
166 any dealer or operator of a redemption center a handling fee of at least
167 one and one-half cents for each beverage container of beer or other
168 malt beverage and ~~[two]~~ three cents for each beverage container of
169 [mineral waters, soda water and similar carbonated soft drinks] a
170 noncarbonated beverage or a carbonated beverage other than beer or
171 other malt beverage returned for redemption. A distributor shall not
172 be required to pay to a manufacturer the refund value of a
173 nonrefillable beverage container.

174 ~~[(e)]~~ (g) The Commissioner of Environmental Protection shall adopt
175 regulations, in accordance with the provisions of chapter 54, to
176 implement the provisions of sections 22a-243 to 22a-245, inclusive, as
177 amended by this act. Such regulations shall include, but not be limited
178 to, provisions for the redemption of beverage containers dispensed
179 through automatic vending machines, the use of vending machines

180 which dispense cash to consumers for redemption of beverage
181 containers, scheduling for redemption by dealers and distributors and
182 for exemptions or modifications to the labeling requirement of section
183 22a-244.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	22a-243
Sec. 2	<i>October 1, 2008</i>	22a-245

ENV *Joint Favorable Subst.*

PD *Joint Favorable*